

Amended proposal for a European Parliament and Council Directive amending Directive 79/373/EEC on the marketing of compound feedingstuffs ⁽¹⁾

(2001/C 120 E/14)

(Text with EEA relevance)

COM(2000) 780 final — 2000/0015(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 21 December 2000)

⁽¹⁾ OJ C 140, 18.5.2000, p 12.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs ⁽¹⁾, as last amended by European Parliament and Council Directive 2000/16/EC ⁽²⁾, lays down rules for the marketing of compound feedingstuffs within the Community.
- (2) As regards labelling, the purpose of Directive 79/373/EEC is to ensure that stock farmers are informed objectively and as accurately as possible as to the composition and use of feedingstuffs; it is important to ensure that the accuracy of the declarations made can be officially verified at all stages of the circulation of the feedingstuffs.
- (3) The declaration of the feed materials in feedingstuffs constitutes, in certain cases, an important item of information for stock farmers.
- (4) Until now, Directive 79/373/EEC provided for a flexible declaration arrangement confined to the indication of the feed materials without stating their quantity for feedingstuffs for production animals and the possibility was retained to declare categories of feed materials instead of declaring the feed materials themselves.

⁽¹⁾ OJ L 86, 6.4.1979, p. 30.

⁽²⁾ OJ L 105, 3.5.2000, p. 36.

INITIAL PROPOSAL

AMENDED PROPOSAL

- (5) Nonetheless, the BSE crisis and the recent dioxin crisis have demonstrated the inadequacy of the current provisions and the need for detailed qualitative and quantitative information about the composition of compound feedingstuffs for production animals.
- (6) Detailed quantitative information on the composition may assist in targeting the tracing of potentially contaminated materials to specific lots, which will be beneficial to public health and avoid wastage of products which do not present a significant risk to public health.
- (7) Accordingly, it is appropriate — at this stage — to impose a compulsory declaration of all the feed materials as well as their amount in the compound feedingstuffs for production animals.
- (8) Consequently, in the future there will be no possibility to declare categories of feed materials instead of declaring the feed materials themselves in the case of compound feedingstuffs for production animals; whereas, for practical reasons Commission Directive 91/357/EEC of 13 June 1991 laying down the categories of ingredients which may be used for the purposes of labelling compound feedingstuffs for animals other than pet animals ⁽¹⁾, shall be repealed.
- (9) For practical reasons, it shall be allowed that the declarations of feed materials included in the compound feedingstuffs for production animals are provided on an ad hoc label or accompanying document.
- (10) Obliging compound feedingstuff manufacturers to declare the composition of feed by presenting internal company documents makes it possible to limit the number of inspections carried out by the Member States.
- (11) Special provisions are needed for the labelling of feedingstuffs for pets to allow for the special character of this kind of feedingstuffs, Unchanged

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 79/373/EEC is hereby amended as follows:

1. In Article 5(1), point (j) is replaced by the following: 'the batch number'.

⁽¹⁾ OJ L 193, 17.7.1991, p. 34.

INITIAL PROPOSAL

2. In Article 5(3), point (c) is deleted.

4. In Article 5, the following paragraph is added:

'7. In the case of compound feedingstuffs intended for animals other than pets, the declaration of the feed materials in terms of percentage by weight, in accordance with Article 5c, might be provided on a label different than that referred to in paragraph 1, or on an accompanying document different than that referred to in paragraph 4.'

5. Article 5c shall be replaced by the following:

'Article 5c

1. Where a declaration of the feed materials is provided, all the feed materials must be mentioned.

2. The listing of feed materials shall be subject to the following rules:

(a) compound feedingstuffs intended for pets: listing of feed materials either indicating the amount contained or naming them in descending order by weight.

(b) compound feedingstuffs intended for animals other than pets: listing of feed materials in terms of percentage by weight.'

6. The feed materials shall be described by their specific names; however in the case of compound feedingstuffs intended for pets, the indication of the specific name of the feed material may be replaced by the name of the category to which the feed material belongs, where the categories grouping several feed materials must have been established in accordance with Article 10(a).

In the case of compound feedingstuffs intended for pets, use of one of these two forms of declaration shall exclude use of the other save where one of the feed materials used belongs to none of the categories which have been defined; in that case the feed material, designated by its specific name, shall be mentioned in order of importance by weight in relation to the categories.

AMENDED PROPOSAL

3. In Article 5(4), point (d) is replaced by the following:

(d) The date of minimum durability, the net quantity, the batch reference number and the authorisation or registration number may be indicated outside the area reserved for the labelling particulars provided for in paragraph 1; in this case, the above-mentioned information will be accompanied by an indication of where it is to be found.

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

7. The labelling of compound feedingstuffs for pets may also draw particular attention by a specific declaration to the presence or low content of one or more feed materials, which are essential aspects of the characteristics of the feedingstuffs. In such a case, the minimum or maximum content, expressed in terms of percentage by weight of the feed material(s) incorporated, must be clearly indicated either opposite the declaration drawing special attention to the feed material(s) or in the list of feed materials or by mentioning the feed material(s) and the percentage(s) by weight concerned opposite the corresponding category of feed materials.

Article 2

Commission Directive 91/357/EEC shall be repealed as from.

Article 3

1. Member States shall adopt and publish not later than the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof forthwith. The provisions shall be applicable from the fifteenth day following notification of the Directive.

Where the Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

8. Article 12 is replaced by the following Article:

1. The Member States shall take all the appropriate measures to ensure that official inspection of compliance with the conditions laid down in this Directive takes place during manufacture or marketing, at least by means of random sampling.

2. When requested to do so, manufacturers shall provide documentary proof of the composition of compound feedingstuffs by presenting internal documents.

Unchanged

Commission Directive 91/357/EEC shall be repealed as from 1 January 2001.

Unchanged

1. Member States shall adopt and publish not later than 1 January 2001 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof forthwith. The provisions shall be applicable from the fifteenth day following notification of the Directive.

Unchanged